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Jerry Otero
Energy Program Manager
Southwest Region

jotero@npca.org
C 970 250 4300 | npca.org
850 Grand Ave.
Grand Junction, CO 81501

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** COMMENTS

NPCA/CPANP PROTEST
LETTER



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The Coalition To Protect America's National Parks

Voices of Experience

September 29th, 2017

Mr. Ed Roberson
Director, Utah State Office Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84101

Re: Protest of Five Parcels Proposed for Utah BLM's December, 2017 Oil & Gas Lease Sale

Dear Mr. Roberson:

Pursuant to 43 C.F.R. §§ 3120.1-3 and 4.450-2 the National Parks Conservation Association ("NPCA") protests the following parcels ("Protested Parcels") proposed for the Utah Bureau of Land Management's December, 2017 Oil and Gas Lease Sale:

UT1217-063
UT1217-064
UT1217-065
UT1217-067
UT1217-071

STATEMENT OF INTEREST

The mission of the National Parks Conservation Association (NPCA) is to protect and enhance America's National Park System for present and future generations. Founded in 1919, NPCA is the leading citizen voice for the national parks. We are a national non-profit with 27 regional and field offices across the country, including our Southwest Regional office in Salt Lake City, Utah and Southwest Energy office in Grand Junction, Colorado. NPCA represents over 1.3 million members and supporters who care about America's shared natural and cultural heritage preserved by the National Park System.

With nearly 1,400 members, the Coalition to Protect America's National Parks (Coalition) is composed entirely of retired, former, or current employees of the National Park Service. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. As a group, we collectively represent more than 35,000 years of experience managing and protecting America's most precious and important natural and historic places.

A top priority for NPCA and the Coalition is protecting the resources within parks, the larger landscapes in which they are embedded, and the air and water on which they depend, in order to enhance their ecological and cultural integrity. Poorly planned oil

and gas development on the landscape adjacent to national park units can result in significant impacts on national park resources including soundscapes, night skies, air quality, and water quality and quantity. Due to the level of oil and gas development occurring across the Intermountain Region of the National Park System, we are working together to ensure that oil and gas development near national park units is planned with consideration and care for the many non-drilling uses of the land and that the impacts on national park units from resource extraction in the area are considered.

It is critical that the BLM continue to seriously weigh the many non-drilling uses of their shared landscapes, including the protection of the ecological, cultural, geological, recreational, scenic and economic attributes near Dinosaur National Monument. NPCA and the Coalition are particularly concerned with the level of consideration the BLM gave to analyzing and mitigating potential impacts on night skies, natural sounds and visitor experience related to parcels near Dinosaur National Monument.

The National Park Service (NPS), State of Utah, and the US Fish and Wildlife Service, requested that the BLM re-evaluate or consider deferring lease parcels near Dinosaur National Monument in order to acquire and analyze new information related to visual and sound disturbance potential. NPCA and the Coalition urge the BLM to defer nominated parcels 063, 064, 065, 067 and 071. The leases individually and collectively pose direct and cumulative threats to Dinosaur National Monument. Moving forward with leasing as proposed will have deleterious and potentially unsafe impacts -- not only to the park and its visitors, but also to the area's water, wildlife, air quality and cultural and paleontological heritage, among other resource values.

NPCA participated in the planning process for this lease sale by filing comments, dated July 24, 2017. Likewise, the Coalition participated in the planning process for this lease sale by filing comments, dated July 21, 2017. We have attached copies of both sets of comments to this protest letter and hereby incorporate them by reference.

AUTHORIZATION TO FILE THIS PROTEST

David Nimkin is the Senior Regional Director for the Southwest Region of NPCA. In that capacity, he is authorized to file this protest on behalf of the organization and its members.

Maureen Finnerty is the Chair of the Coalition to Protect America's National Parks. In that capacity, she is authorized to file this protest on behalf of the organization and its members.

STATEMENT OF REASONS

Because the BLM failed to comply with the National Environmental Policy Act ("NEPA") and Instruction Memorandum ("IM") 2010-117, it must defer the protested parcels from the lease sale.

I. THE EA DOES NOT COMPLY WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.

The EA does not take the required "hard look" at the impacts of leasing the protested parcels near Dinosaur National Monument. Specifically, the BLM did not evaluate

potential impacts on the monument's soundscape, night skies and entrance road, all of which could drastically alter the visitor experience.

First, the BLM did not take a "hard look" at the potential impacts on the monuments soundscape. 42 U.S.C. § 4332(C); *Great Basin Res. Watch v. BLM*, 844 F.3d 1095, 1101 (9th Cir. 2016). NEPA requires agencies to undertake thorough, site-specific environmental analysis at the earliest possible time and prior to any "irretrievable commitment of resources" so that the action can be shaped to account for environmental values. *Pennaco Energy, Inc. v. U. S. DOI*, 377 F.3d 1147, 1160 (10th Cir. 2004). Oil and gas leasing without a No-Surface Occupancy stipulation is an irretrievable commitment of resources. *S. Utah Wilderness All. v. Norton*, 457 F. Supp. 2d 1253, 1256 (D. Utah 2006). Thus, NEPA establishes "action-forcing" procedures that require agencies to take a "hard look," at "all foreseeable impacts of leasing" before leasing can proceed. *Center for Biological Diversity v. United States DOI*, 623 F.3d 633, 642 (9th Cir. 2010); *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 717 (10th Cir. 2009).

The National Park Service manages park units to protect natural, cultural, and historic sounds they consider fundamental to the purposes and values for which the parks were established NPS Management Policies 2006, § 4.9, § 5.3.1.7, and § 8.2.3. The NPS Natural Sounds Program mission is "...the protection, maintenance, or restoration of the natural soundscape resource in a condition unimpaired by inappropriate or excessive noise sources. Directors Order #47, Dec. 1, 2000. NPS has listed degradation of natural soundscapes as a key issue for Dinosaur National Monument, particularly in reference to outside development from oil and gas. NPS Scoping Comments on the Proposed December 2017 Competitive Oil and Gas Lease Sale Parcels (3100/UT922), May 1, 2017 at 4¹. The BLM failed to thoroughly analyze the specific and cumulative impacts to the natural soundscape of Dinosaur National Monument, and ensure that development would not run counter to the park's soundscape management priorities before leasing parcels for oil and gas development.

Currently, stipulation UT-S-168 Controlled Surface Use - Light and Sound: Areas Adjacent to Dinosaur National Monument only applies to parcel 071, despite additional parcels being within the viewshed of Dinosaur National Monument. This stipulation, which requires setting minimum ambient noise background level changes, or requiring the use of noise-minimizing best available technologies like hospital grade sound reducing mufflers, multi-cylinder pumps, or placement of exhaust systems to direct noise away from sensitive receptors, should be applied to other protested parcels within the Dinosaur viewshed.

The inadequacy of UT-S-168 on parcel 071 is enhanced by the loss of another stipulation, UT-S-157: No Surface Occupancy/Controlled Surface Use/Timing Limitation - Visual Resource. This stipulation was included in the preliminary EA on the protested parcels, but was inexplicably absent in the final version. As laid out in the Vernal RMP, this stipulation could have helped minimize the visual impacts of development in various VRM classes on protested parcels. In its place, the BLM added a stipulation covering steep slopes to parcels 071 and 064: UT-S-96: No Surface Occupancy - Fragile Soils/slopes Greater than 40 %. However, there are no slopes greater than 40% on those two parcels (see attached Slope Map), rendering the added stipulation of no effect.

¹ See attached NPS scoping comments

Second, BLM failed to fully evaluate the direct, indirect and cumulative impacts of lease 071. To adhere to NEPA, the BLM is required to thoroughly analyze impacts to the environment of any of its proposed actions. 42 U.S.C. § 4332(C); *Great Basin Res. Watch v. BLM*, 844 F.3d 1095, 1101 (9th Cir. 2016). Analysis includes leasing of parcels with surface disturbances, which is required when developing conventional methods to extract oil and or gas. The National Park Service raised concerns on similar grounds, noting in their August 22, 2017 comment letter that, "[a]ny surface disturbance in parcel 071 could potentially have effects on water quality in the Green River." NPS Comments on the Environmental Assessment for the December 2017 Oil and Gas Sale (DOI-BLM-UT-GO10-2017-0028-EA), August 22, 2017.²

Third, the BLM failed to adequately evaluate impacts on the monument's night skies and viewshed. This is especially critical because all of the NPCA protested parcels lie within the viewshed of Dinosaur National Monument, many of them within direct view of Dinosaur National Monument's most visited locations, the visitor center and world famous Carnegie Fossil Quarry. The EA fails to quantify or project what impacts to viewshed, light and sound pollution would look like. In the EA the BLM explicitly states that it cannot, "quantify and analyze the effects of soundscapes and night skies within Dinosaur National Monument," instead stating that analysis of said impacts occurs at the APD stage. Final EA, p. 248 ("...until there is a specific project proposal to develop and produce the mineral resources in parcel 071, the BLM is unable to specifically quantify and analyze the effects to soundscapes and night skies within Dinosaur National Monument."); see *New Mexico ex rel. Richardson v. BLM*, 565, F.3d 683, 718-19 (10th Cir. 2009)) However, "...there is no bright line rule that site-specific analysis may wait until the APD stage." *Id.* The APD stage presents little or no legal authority to mitigate the impacts of artificial lighting required for oil and gas drilling, on a specific lease like 071 or on a cumulative scale.

In reference to specific impacts on parcel 071, the BLM notes that it again is unable to determine the impacts from light pollution via flaring, stating they "currently cannot project whether flaring would be necessary or appropriate for this particular parcel because it is unknown whether the target resource would be oil or gas (the BLM would not authorize production flaring for a gas well, although the BLM would consider production flaring for an oil well)." Final EA, p. 248. This broad assumption lacks nuance and the could be determined by analyzing varying likely scenarios that could provide key data into how Dinosaur National Monument would be impacted if flaring occurred during the exploration state of development.

Similar logic is used when the BLM fails to analyze impacts from sound pollution on Dinosaur National Monument soundscapes. Noting, in the Final EA, page 248, "...the BLM cannot currently determine exactly where development would occur and whether the resulting truck traffic would be audible from locations within Dinosaur National Monument..." While it is understood that exact location of the well pad is determined at the APD stage, the BLM could have included baseline impacts from one or more locations in parcel 071 and used that data to document the potential impacts from lease 071 and factor this data set into cumulative analysis. Detailed analysis like this would assist in determining if parcel 071 should be deferred for further analysis or if the data and modeling would prompt the preparation of an environmental impact statement.

² See attached NPS comments

Fourth, the BLM did not adequately evaluate potential impacts on the monument's entrance road UT HWY 149 (and associated visitor experiences), even though UT HWY 149 is the primary access point to parcel 071, and within close proximity to the monument and within its viewshed, according to NPS viewshed analysis. Thus, for the foregoing reasons, the BLM failed to evaluate the impacts of the protested parcels on Dinosaur National Monument. Instead, the BLM simply discounted access issues and adopted mitigation in the EA, in the form of a lease notice, without ever documenting potential impacts on the monument and developing management alternatives, as required by NEPA.

Fifth, the BLM does not adequately address the cumulative impact to outdoor recreation, the tourism economy attached to Dinosaur National Monument or the visitor experience. The EA fails to adequately acknowledge or analyze reasonably foreseeable impacts from oil and gas development on the economy and the quality of the recreation experience for visitors to Dinosaur National Monument. The monument is home to diverse flora and fauna, which are interconnected with and dependent upon neighboring public lands and waterways. Healthy wildlife and natural resources are also core to the experience of those who recreate in or visit the monument.

Visitors accessing the heart of the park's wilderness from UT HWY 149 are most likely to be seeking naturalness, solitude, and primitive, unconfined recreation. The visitor experience will be marred by any level of increased industrial truck traffic, obstruction of scenic views, and increased background noise. The industry standard, based on an EPA study, for developing an average well requires 400-1400 trips from heavy-duty trucks during the exploratory and construction phases³. In addition, production and maintenance requires additional light and heavy-duty traffic for the life of the well, or until the developer relinquishes its right to the lease. Industrial truck traffic will increase noise, dust, and pollution, cause damage to roads, create safety concerns for visitors to the park, and diminish the monument visitor experience.

The National Parks of Utah draw millions of visitors from around the world each year and drive an economy that has seen rapid growth in recent years. In 2016, the National Park Service Visitor Spending Effects Report showed that 304,312 visitors to Dinosaur National Monument spent over \$18 million dollars in communities near the park. 2016 National Park Visitor Spending Effects, Natural Resource Report NPS/NRSS/EQD/NRR-2017/1421. In turn, that spending supported nearly 250 jobs in the local area and had a cumulative benefit to the local economy of over \$20 million. From 2015 to 2017 alone, Dinosaur National Monument generated more than \$1 million in new local economic stimulus annually. As part of the larger national park's economy in Utah, Dinosaur contributes to a \$1.3 billion economic engine that is responsible for 11,000 jobs. Leasing the protested parcels for development in northeastern Utah will damage the visitor experience and the sustained economic growth from increased visitation.

Finally, the BLM does not adequately address cumulative impacts to air quality and its impact to Dinosaur National Monument. The EA makes reference to the Class I air standing designation under the EPA for wilderness and 'national parks' (Dinosaur National Monument is designated Class II airshed) in the area, however does little in

³http://www.mde.state.md.us/programs/Land/mining/marcellus/Documents/RESI_Marcellus_Shale_Report_Final.pdf

regard to mitigate for violations of these air quality standards, noting, "At present, control technology on some emissions sources (e.g. drill rigs) is not required by regulatory agencies." The EA goes on to list "Possible Future Best Management Practices" as a standard for mitigation, with laissez-faire statements that as an agency unable to enforce. A 2017 Government Accountability Office Study notes, "...BLM is unable to fully assess the effectiveness of its best management practices policy to mitigate environmental impacts." An example, "The BLM encourages industry to incorporate and implement BMPs to reduce impacts to air quality through reduction of emissions, surface disturbances, and dust from field production and operations." Best Management Practices are not an effective mitigation tool⁴, and "encouraging" does little to provide certainty that these tools will be utilized, in any case. An array of monitoring, modeling and predicting has little worth when the tools to enforce, mitigate and implement are not adequately addressed in the EA, thus leaving Dinosaur National Monument – as well as numerous Class I designated national parks in the Colorado Plateau - vulnerable to potentially unsafe, well documented poor and in potentially non-ozone attainment air quality conditions.

The duty of the Secretary of the Interior to protect and preserve national park units unimpaired is non-discretionary. 54 Sec. 10010 et seq. (1916). While the Department is charged with various, sometimes-competing responsibilities, Solicitor Opinion M-36993 makes clear that that the protection of national parks is paramount: "The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever action and seek whatever relief as will safeguard the units of the National Parks System." Solicitor John Leshy citing S. Rep. No. 95-528, at 8, 9, 13-1. The analysis of multiple, minor sources of pollution are individually not problematic. Collectively, however, they pose a significant threat to the Monument's and other national parks' air quality and visitor experience, and therefore require deferral of the protested leases and further consultation with NPS to ensure prioritization of the protection of Dinosaur National Monument.

II. THE BLM FAILED TO CONDUCT NECESSARY PLANNING NEAR DINOSAUR NATIONAL MONUMENT.

The BLM has repeatedly acknowledged that it lacks appropriate planning for public lands leasing around Dinosaur National Monument. A joint report from the BLM and the National Park Service (NPS) in 2009 known as the Stiles Report, which made recommendations based upon "concerns raised about the adequacy of the consideration given to important values ... such as sensitive landscapes and cultural resources" resulting from a Utah BLM lease sale in 2008. Final BLM Review of 77 Oil and Gas Lease Parcels Offered in BLM-Utah's December 2008 Lease Sale, October 7, 2009 at 2. Collaborative planning in the area around Dinosaur National Monument was necessary "to avoid repetitive requests for leases in inappropriate locations immediately adjacent to the park, especially in the viewshed of the new planned visitor center and entrance road." Id. at 26.

Instruction Memorandum (IM) 2010-117, issued in part as a response to the issues identified in the Stiles Report, requires the preparation of Master Leasing Plans ("MLPs") to resolve resource conflicts in sensitive areas under certain criteria. In 2010,

⁴ <http://www.gao.gov/assets/690/684254.pdf>

the BLM Vernal Field Office determined that a proposed area adjacent to Dinosaur National Monument met the criteria and qualified for MLP analysis, and that [a]dditional analysis or information is needed to address likely resource or cumulative impacts if oil and gas development were to occur." Vernal MLP Assessment⁵ at pages 1 and 3. Despite these assertions, the BLM did not undertake any additional planning to minimize the impacts to Utah's portion of Dinosaur National Monument.

National Park Service concerns remain. In particular, NPS staff noted in May 2017 scoping comments that they are "concerned about potential impacts to the monument's resources and visitor experiences that could result from exploration and development operations subsequent to leasing of the parcels, particularly parcels located near the western boundary and Green River District Entrance Road in Jensen Utah and southeastern boundary and Canyon Visitor Center in Dinosaur Colorado." NPS Scoping comments at 2. The NPS specifically noted concerns for Air Quality and Air Quality Related Values, Viewsheds, Dark Night Skies, Natural Soundscapes, and Endangered, Threatened and Sensitive Species in its comments. *Id.* Additional planning determined as required by the BLM could have addressed these concerns not just in the limited area comprising this Dec. 2017 lease sale, but also for the entire planning area originally identified by the BLM. Concerns with leases near the Monument, as addressed by NPS, NPCA and others, could be resolved through inclusive landscape level master lease planning or a similar process, and could coordinate with stakeholders to resolve other potential conflicts on the landscape.

The EA for the December 2017 lease sale notes "Rather than deferring nominated parcels in intended MLP areas, parcels received as expressions of interest were forwarded to the field office to conduct appropriate environmental analysis to ensure environmentally responsible leasing of oil and gas resources on federal lands. Evaluation of the parcels will be based on the governing land use plans and site specific NEPA analysis." This lease-by-lease analysis fails to account for cumulative impacts of development, constricts stakeholder input, and undermines larger landscape level planning efforts contained within master lease planning. It is the inclusive nature, cumulative study and analysis undertaken by master lease planning that reduces future conflicts and allows for responsible development of oil and gas resources near sensitive areas. These key elements of planning are not included in the current environmental analysis.

IM 2010-117 also requires the BLM to ensure that "management decisions identified in the RMP (including lease stipulations) are still appropriate and provide adequate protection of resource values (including, but not limited to, biological, cultural, value whether oil and gas visual, and socioeconomic resource values)." As explained above, the Vernal RMP does not address, let alone "provide adequate protection" for a number of resources in Dinosaur National Monument, particularly viewshed. Thus, while we support the BLM's recognizing the monument's viewshed and night sky resources through some stipulations and the development of lease notices, we believe that the BLM was required by IM 2010-117 to defer the protested parcels from the lease sale and perform a more thorough analysis of potential impacts on night skies and mitigation alternatives, including possible lease stipulations.

Thank you for the opportunity to file this protest. NPCA and the Coalition to Protect

⁵ See attached Vernal Master Leasing Plan Assessment

America's National Parks respectfully requests that the BLM defer the protested parcels from the December 2017 lease sale, pending further evaluation of potential impacts on Dinosaur National Monument.

Respectfully,



David Nimkin, Senior Regional Director
National Parks Conservation Association



Maureen Finnerty, Chair
Coalition to Protect America's National Parks

Attachments:

National Park Service final Environmental Assessment comments
National Park Service scoping comments
National Park Service viewshed analysis
Topographical slopes map
Bureau of Land Management Vernal MLP assessment



United States Department of the Interior

NATIONAL PARK SERVICE
Dinosaur National Monument
4545 Highway 40
Dinosaur, CO 81610



1.D

August 22, 2017

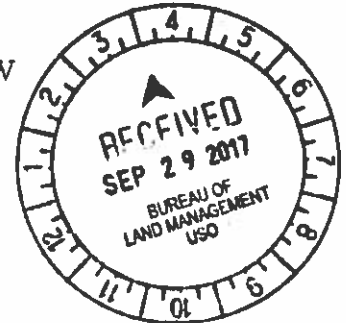
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Memorandum

To: Ester McCullough, Field Office Manager, BLM Vernal Field Office

From: Mark A. Foust, Superintendent

Subject: NPS Comments on the Environmental Assessment for the December 2017 Oil and Gas Sale (DOI-BLM-UT-GO10-2017-0028-EA)



The National Park Service (NPS) at Dinosaur National Monument (DNM) has reviewed the Preliminary Environmental Assessment (EA) for the December 2017 Competitive Oil & Gas Lease Sale that includes 64 parcels containing 66,625 acres within the Vernal Field Office. We appreciate BLM's willingness to solicit feedback from the NPS and consider NPS recommendations in this leasing decision. We believe that close collaboration between our bureaus is key to protecting the resources and values that are fundamental to the establishment of the monument as a National Park Service unit, as well as to the furtherance of the BLM multi-use mission including the continuing development of public mineral resources.

As we discussed on July 13, 2017, and communicated through our May 1, 2017 scoping comments, we continue to have concerns about some parcels that are located immediately adjacent to the DNM's western boundary and within one mile of the southern boundary and the Quarry Visitor Center. Specifically, we are concerned about potential impacts to DNM's air quality, Air Quality Related Values (AQRV), visual resources, night skies and water quality. These potential impacts are described further in the specific comments provided below.

To address these potential impacts, we request that the BLM:

- Incorporate adaptive air resource stipulation modification criteria in consultation with the NPS and other air resource stakeholders to address nitrogen oxide (NOx) emissions for parcels offered in the December 2017 lease sale.
- Defer leasing parcels that are located adjacent to DNM's western and southern boundaries (8510/069 and 8511/070) to avoid potential impacts to DNM resources and values. In the event that deferral is not possible, we request stipulations of no surface occupancy be placed on

parcels 8510/069 and 8511/070 and the best practice of using terrain to screen development, thereby protecting the viewshed of the monument.

SPECIFIC COMMENTS

On May 1, 2017, we provided scoping comments regarding potential effects to the DNM's resources, including air quality and air quality-related values, viewsheds, dark night skies, and water quality; those comments are provided in Attachment 1 for your reference. In our scoping comments, we addressed parcels 8510 and 8511 as they were initially labeled in the shapefiles received from your office. In the Preliminary EA, parcels 8510 and 8511 are now identified as 069 and 070 respectively. To retain continuity between our scoping comments and comments submitted for the preliminary EA, we will identify the parcels as 8510/069 and 8511/070.

Air Quality and Air Quality Related Values

Ozone, visibility and nitrogen deposition impacts are of significant concern for DNM. Extensive oil and gas development can emit significant quantities of air pollutants from construction, well drilling and production operations, as is the case in the Uintah Basin. Cumulative emissions from regional oil and gas operations can cause significant air quality and Air Quality Related Values (AQRV) concerns. Pollutants of concern (both primary and secondary) from oil and gas operations include nitrogen oxides (NOx), particulate matter (PM2.5 and PM10), sulfur dioxide (SO2), volatile organic compounds, ozone (O3), greenhouse gases and hazardous air pollutants (such as BTEX compounds). These pollutants contribute to visibility degradation in national parks, adverse effects to human health, which is a concern for park visitors and staff, and adverse ecosystem effects from excess nitrogen deposition and ozone impacts to vegetation.

One purpose of the Clean Air Act (CAA) is "to preserve, protect, and enhance the air quality in national parks" (42 U.S.C. §7470(2)). Clean, clear air and nearly limitless views are an integral part of the visitor experience at DNM and significant to the purpose of DNM. Protecting air quality is also a necessary part of maintaining DNM's viewsheds and dark night skies. Service-wide visitor survey data (1988-2011) showed that park visitors highly value clean air and scenic views, with 90% of respondents stating that scenic views are *very important* to *extremely important* in NPS units. The respondents also felt that clean air and scenic views are among the top five most important attributes worthy of protection in national parks.

In recent years, wintertime ozone levels in the Uintah Basin have exceeded the National Ambient Air Quality Standards (NAAQS) and in September 2016, the state of Utah recommended that portions of Duchesne and Uintah Counties be designated as nonattainment for the 2015 ozone standard.¹ Air quality studies have demonstrated that cumulative oil and gas emission sources in the Uintah Basin are a primary contributor to these wintertime ozone exceedances.

We appreciate that BLM incorporated stipulation UT-S-01 and several lease notices (i.e., UT-LN-96, UT-LN-99 and UT-LN-102) addressing future air quality analyses and mitigation. However, this

¹ For additional information see: <https://www.epa.gov/sites/production/files/2016-11/documents/ut-rec-tds.pdf>.

stipulation and the associated lease notices do not specifically address impacts to air quality and AQRVs in nearby DNM. We believe an adaptive management framework is important for protecting DNM air resources into the future. The lease and the supporting planning documents set the stage for how air quality will be managed throughout the life of the lease. We suggest BLM develop adaptive air resource stipulations to protect sensitive DNM resources as development proceeds in the future. Air resource stipulations could represent a minimum acceptable practice or mitigation floor, or can be crafted with adequate modification criteria to allow adaptive and flexible approaches to changing circumstances. We believe this would ensure that BLM retains the authority to implement air resource mitigation measures post leasing should subsequent development demonstrate the need to do so in the Uintah Basin. This approach fits within the adaptive management framework of existing BLM policy.

We recommend that if subsequent development occurs as a result of this leasing decision, the protection of air resources and values in DNM should be analyzed and considered when making site-specific mitigation decisions which is consistent with BLM and other interagency policy. We would also like the opportunity to discuss appropriate mitigation measures to protect air quality at DNM in the future if/when development occurs.

Viewsheds and Dark Night Skies

In our scoping comments, we expressed concern about the degradation to DNM's night sky. We note that in the preliminary EA, parcel 8510/069 is subject to stipulation UT-S-159 as a Class II Visual Resource to protect visual resources and night skies. We have requested that BLM defer leasing parcels 8510/069 and 8511/070. If BLM cannot defer leasing, we request the addition of UT-S-159 to parcel 8511/070, which was identified in the preliminary EA on the Visual Resource Inventory as a Class II Visual Resource (Section 3.3.9).

We note in the EA that parcels 8510/069, 8511/070, and 071 are subject to stipulation UT-S-168. Since the lighting requirements are not explicitly listed in the stipulation, we respectfully request that the following Best Management Practices (BMPs) are included within the EA and attached to these parcels:

- Light only where needed
- Light only when needed (consider using sensors or timers)
- Shield lights and direct them downwards (full cutoff preferred)
- Select lamps with warmer colors (less blue light)
- Use the minimum amount of light necessary
- Select the most energy efficient lamps and fixtures
- Avoid unnecessary flaring of gas at night
- When nighttime flaring of gas is required, use a visual screen or enclosed combustion chamber ('combustor') to minimize sky glow, glare, and adverse visual effects on night sky viewing areas at DNM.

Water Quality and Endangered, Threatened, or Sensitive Species

In our scoping comments, we expressed concern about parcels located on or adjacent to Brush Creek, approximately one mile upstream of its confluence with the Green River. Any surface disturbance in parcel 071 could potentially have effects on water quality in the Green River. Such effects could potentially have adverse impacts on endangered fish: Colorado pikeminnow, razorback sucker,

humpback chub, and bonytail. DNM respectfully requests an evaluation of the four endangered fish in the final EA for parcel 071.

Other Comments

We respectfully request the following corrections in the EA (Section 3.3.9): 8510/069 is located approximately 3 miles west of the Quarry Visitor Center (KOP 1) and directly adjacent to the western boundary of the monument. Parcel 8511/070 is located .30 mile from the closest boundary and .95 mile from the Quarry Visitor Center. We also ask for clarification on the private surface ownership of parcel 071.

Finally, in addition to revising the stipulation modification criteria (see Attachment 2), we recommend revising Lease Notices UT-LN-96, UT-LN-99 and UT-LN-102 to explicitly address potential impacts to DNM. Example language is provided in Attachment 3.

Due to the potential impacts to the resources and visitor experience at DNM, we again respectfully request deferral on parcels 8510/069 and 8511/070. In the event that deferral is not possible, we request stipulations of no surface occupancy be placed on parcels 8510/069 and 8511/070 and the best practice of using terrain to screen development, thereby protecting the viewshed of the monument.

Thank you again for the opportunity to provide comments on the draft EA. We appreciate the opportunity to work with you to help ensure the protection of DNM resources and values for this and future generations. If you have any questions or need additional information, please contact Lisa Baldwin, Chief, Resource Stewardship and Science, at (970)374-3064 or at lisa_baldwin@nps.gov.

Sincerely,

Mark A Foust

Mark A. Foust



United States Department of the Interior

NATIONAL PARK SERVICE
Dinosaur National Monument
4545 Highway 40
Dinosaur, CO 81610



In reply refer to:

1. D

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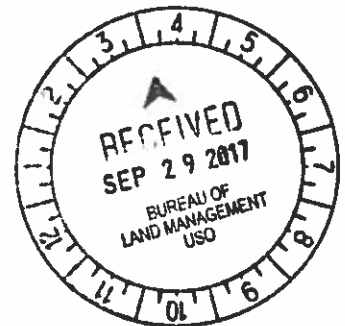
May 1, 2017

Memorandum

To: Ester McCullough, Field Office Manager, BLM Green River District Office/Vernal Field Office

From: Mark A. Foust, Superintendent, Dinosaur National Monument

Subject: Scoping Comments on the Proposed December 2017 Competitive Oil and Gas Lease Sale Parcels (3100/UT922)



As per the 2014 Memorandum of Understanding (MOU) between the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS), and the State of Utah, we appreciate the BLM providing the NPS the opportunity to review the GIS shapefiles for the upcoming December 2017 proposed competitive oil and gas lease sales. The closest proposed lease parcels are located immediately adjacent to the western boundary of Dinosaur National Monument (hereinafter referred to as DNM) which straddles the border of northeast Utah and northwest Colorado. Numerous additional parcels are located within several miles of the western boundary and near the Headquarters building in Dinosaur Colorado as well. We appreciate the opportunity to provide you with our scoping comments regarding potential effects on the monument's air quality and air quality-related values, viewsheds, dark night skies, and water quality impacts on threatened and endangered fish. We believe collaboration between our agencies is essential in protecting the resources and values that are fundamental to the establishment of DNM as a National Park Service Unit.

In 1915, President Woodrow Wilson established the original 80-acre monument as a unit of the National Park System to protect the 'extraordinary deposit' of dinosaur fossils. In 1938, President Franklin Roosevelt expanded the boundaries by over 200,000 acres to protect the surrounding canyons of the Green and Yampa Rivers. Known as one of the 'hidden jewels' of the NPS, the geologic and paleontological resources in DNM showcase millions of years of natural processes and associated plant and animal life. In addition, DNM contains exceptional biological diversity and species abundance with over 1,000 native plants and animal species found within six major vegetation communities. DNM also contains 46 miles of the lower Yampa River, the last remaining free-flowing large river in the Colorado River System. The monument provides a unique opportunity to study river science as our 'laboratory'

contains the unregulated Yampa, the regulated Green below the Flaming Gorge Dam, and a 'hybrid' river below the confluence of both rivers. Furthermore, DNM contains evidence of at least 10,000 years of human history including the Fremont Culture, Spanish Exploration, European and early American settlement, homesteading, and ranching. DNM also provides a wealth of enjoyment and educational opportunities for the approximately 300,000 visitors annually which contributed over \$17 million in local economic benefits in 2015.

DNM is concerned about potential impacts to the monument's resources and visitor experiences that could result from exploration and development operations subsequent to leasing of the parcels, particularly parcels located near the western boundary and Green River District Entrance Road in Jensen Utah and southeastern boundary and Canyon Visitor Center in Dinosaur Colorado. DNM specifically requests the evaluation of the following resources in the environmental assessment (EA) for these adjacent parcels:

Air Quality and Air Quality Related Values

One purpose of the Clean Air Act (CAA) is "to preserve, protect, and enhance the air quality in national parks" (42 U.S.C. §7470(2)). DNM, as a Class II area, recommends that the protection of air resources and values is consistent with direction found in the Department of Interior's Onshore Oil and Gas Leasing Reform Policy (IM 2010-117), as well as the 2011 Air Quality MOU. It is with these management mandates and objectives in mind that the NPS has been participating in the Air Quality Technical Work Group (ATWG).

Pristine air quality and nearly limitless views are an integral part of the visitor experience at DNM and are a necessary part of maintaining our viewsheds and dark night skies. In recent years, wintertime ozone levels in the Uintah Basin have exceeded the National Ambient Air Quality Standards (NAAQS) and the area is likely to be designated as non-attainment in the future. Air quality studies have demonstrated that oil and gas activity in the Uintah Basin is a primary contributor to these wintertime ozone exceedances.

Extensive oil and gas development can emit significant quantities of air pollutants from construction, well drilling and production operations, as is the case in the Uintah Basin. Although emissions from an individual well or well pad may be inconsequential, cumulative emissions from regional oil and gas operations can cause significant air quality and Air Quality Related Values (AQRV) concerns. Pollutants of concern (both primary and secondary) from oil and gas operations include nitrogen oxides (NO_x), particulate matter (PM_{2.5} and PM₁₀), sulfur dioxide (SO₂), volatile organic compounds, ozone (O₃), greenhouse gases and hazardous air pollutants. These pollutants can contribute to visibility degradation in national parks, adverse effects to human health which is a concern for park visitors and staff, and adverse ecosystem effects in parks from excess nitrogen and sulfur deposition and ozone impacts to vegetation. Ozone and visibility are of significant concern for DNM.

Viewsheds

Visual impacts from the proposed oil and gas leases are also a concern for DNM. Scenic vistas from high elevation points within the monument provide dramatic views and a remote and far-reaching landscape that includes montane peaks, high desert plateaus, entrenched canyons carved by the Yampa and Green Rivers, and expansive skies. These vistas are fundamental to the visitor experience at the monument.

The NPS recommends mitigations to reduce viewshed impacts, including painting infrastructure to match the surrounding environment and using the topography and landscape to create a visual buffer. In addition, nighttime activity and lighting should be reduced to the minimal amount possible.

A detailed visual impact assessment should be included in the environmental analysis including potential changes in the visual landscape from important park viewpoints including Green River District Entrance Road, Quarry Exhibit Hall, Plug Hat and Escalante Overlooks. Because the proposed lease parcels would be located immediately adjacent to the monument, surface disturbing activities within the foreground/middleground distance zone as defined by BLM Visual Resource Management system (up to 5 miles) would be significant. For lease parcels located within the viewshed of the monument, we recommend other visual mitigation measures such as use of BLM standard environmental colors and interim reclamation be applied. All development should be required to adhere to the design and mitigation standards as defined in Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development – the “Gold Book” developed by the BLM and USFS.

Fugitive dust during construction and operations is also a concern for both air quality and visual resources. Given dry, windy conditions, windblown fugitive dust could reach a 50-mile radius of the lease sites, which would include DNM. We recommend monitoring and adaptive management of fugitive dust minimization measures to ensure minimal impacts on local and regional air quality and visual resources.

Dark Night Skies

Lighting associated with the implementation of oil and gas leases has the potential to adversely impact the naturally dark skies of DNM. Artificial sky glow is the brightening of the night sky from human caused light scattered in the atmosphere. Artificial sky glow can greatly detract from the overall darkness of the night sky which can inhibit people’s ability to view celestial objects in the night sky. Artificial sky glow can also impact wildlife habitat, wildlife behavior, and scientific discovery.

The NPS Night Skies Program collected baseline data from DNM in 2009. At that time, the data indicated a calculated Sky Quality Index (SQI) of 96. The SQI is a synthetic index derived from the distribution of sky luminance values (to zenith angle 70°) in the artificial sky mosaic which ranges from 0-100 with 100 being a sky free of artificial sky glow. With a value of 96, DNM is considered to have a sky that retains all of its natural characteristics. DNM regularly hosts night sky programs for visitors and is currently working towards an International Dark Sky Designation.

DNM recommends the following best management practices (BMPs) to reduce impacts to dark night skies:

- Light only where needed
- Light only when needed (consider using sensors or timers)
- Shield lights and direct them downwards (full cutoff preferred)
- Select lamps with warmer colors (less blue light)
- Use the minimum amount of light necessary
- Select the most energy efficient lamps and fixtures
- Avoid unnecessary flaring of gas at night

- When flaring of gas is required, use a visual screen or enclosed combustion chamber ('combustor') to prevent adverse visual effects on night sky viewing areas at DNM

Additional useful recommendations can be found in the report *Oilfield Lighting Can Co-Exist with Dark Skies* at http://mcdonaldobservatory.org/sites/default/files/pdfs/oilfield_lighting_can_coexist.pdf and an informative online webinar by the Society of Petroleum Engineers: <https://webevents.spe.org/products/lighting-practices-in-the-oil-and-gas-industry-and-the-consequences-for-safety-cost-and-the-nighttime-sky>

Natural Soundscapes

Anthropogenic noise from construction equipment, machinery and traffic can affect human environments, visitor experience and wildlife species. There are ample studies that show increases in noise can negatively affect mating, nesting, predation and other behaviors in a variety of wildlife species. Other studies show noise levels can affect the experience of park visitors and lead to a variety of social, psychological, and physiological changes. Recent acoustical data from the Josie Bassett Morris cabin, a popular destination for visitors at DNM, indicates a residual sound level (L90) of 36 dBA. The median natural ambient sound level (Lnat) was 39 bDA and the median existing sound level (L50) was 43 dBA. The proposed oil and gas leases could create significant noise from construction, operations, and traffic. Low frequency sounds (those typical of a trucks, equipment and machinery) can propagate for large distances with very little atmospheric attenuation and could therefore be audible in otherwise quiet park environments.

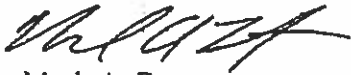
Because U.S. 40 is lightly traveled, with a 2015 Annual Average Daily Traffic (AADT) volume of only 1100 vehicles, there may be many times when traffic noise is not audible at Canyon Visitor's Center in Dinosaur Colorado. The monument entrance road in Jensen Utah (State Highway 149) runs through a rural residential area into the monument. The AADT for State Highway 149 has a AADT of 870 vehicles for the same year. The development of the proposed oil and gas leases could create significant noise from construction and operational traffic that passes by the Canyon Visitor's Center or through the residential area of Jensen and the Quarry Visitor's Center. Low frequency sounds (those typical of trucks, equipment and machinery) can propagate for large distances with very little atmospheric attenuation and could therefore be audible in otherwise quiet park environments.

Efforts to reduce noise from operation of the facility and ancillary equipment (e.g. power tools, construction equipment, and other associated machinery) should be implemented and noise reducing treatments (barriers, curtains, enclosures, silencers, mufflers, etc.) should be used where appropriate. All transportation vehicles should have appropriate mufflers, in good working condition, that meet or exceed the requirements of 40 CFR 205.

Endangered, Threatened, and Sensitive Species

Several parcels appear to be located on or adjacent to Brush Creek, approximately one mile upstream of its confluence with the Green River. Any surface disturbance in these parcels could potentially have effects on water quality in the Green River. Such effects could potentially have adverse impact on endangered fish (Colorado pikeminnow, razorback sucker, humpback chub and bonytail). DNM specifically requests the evaluation of these endangered fish in the environmental assessment for all parcels located in or near Brush Creek.

Due to the potential significant impacts to the resources and visitor experience at DNM, we respectfully request a deferral on parcels in areas that are immediately adjacent to the monument boundary and the parcels visible from the Quarry Visitor Center and Exhibit Hall (parcels 8511 and 8510, see attached map). In the event that deferral is not possible, we request stipulations of no surface occupancy be placed on the parcels and the best practice of using terrain to screen development, thereby protecting the viewshed from the monument. If you have any questions or need additional information, please contact Lisa Baldwin, Chief, Resource Stewardship and Science, at (970)374-3064 or at lisa_baldwin@nps.gov.



Mark A. Foust

cc: Jim Ireland, NPS Utah State Coord. /Superintendent, Timpanogos Cave National Monument
Sheri Wysong, BLM Utah State Office

Master Leasing Plan (MLP) Assessment Vernal

Utah State Office
Vernal Field Office
November 2010

Name and Location of MLP Area:

Vernal MLP. Located in Eastern Uinta Basin-Northeastern Utah

Internal or External Proposal?

DESCRIPTION:

INTERNAL/EXTERNAL COMBINED: The proposed Vernal MLP includes two areas within the Vernal Field Office (VFO) and combines them into one MLP effort comprising a total of 650,157 acres. The two original externally-submitted areas (Dinosaur Lowlands and Eastern Book Cliffs-Piceance Basin) are separate and distinct areas, but since they are within the same Field Office and managed under the same Resource Management Plan (RMP), they will be analyzed in a single MLP. Although the internally-considered areas vary from the two external MLP proposals, they contain significant overlap. The proposed Vernal MLP has been delineated to maximize unleased areas and include suspended and sold-but-not-issued protested parcels.

The northern portion of the Vernal proposal (Dinosaur Lowlands) includes 266,893 acres and generally wraps around the western portion of the Dinosaur National Monument (NM). It excludes the highly developed producing gas field on the southwest edge of SUWA's proposed area. The southern portion of the Vernal proposal (Eastern Book Cliffs) includes 293,573 acres and excludes most of the leased and developed lands included in SUWA's proposal.

More specific descriptions of the two individual areas are included in Attachment 1 (Dinosaur Lowlands) and Attachment 2 (Eastern Book Cliffs).

The map labeled Vernal A illustrates the MLP proposal (external and internal) locations with the authorized, suspended, pending and deferred leases within Utah. The Vernal B map shows oil and gas fields, shut in wells, abandoned wells and producing wells. The Utah BLM recommendation is the internal Vernal MLP as delineated on the map Vernal A.

Does the area meet the criteria and qualify for MLP analysis?

Yes, because the Utah BLM recommendation for a Vernal MLP has been delineated to maximize unleased areas and include suspended and sold-but-not-issued protested parcels.



Supporting Information

1. What Resource Management Plan(s) are applicable to the MLP area?

Vernal Field Office Record of Decision and Approved Resource Management Plan (RMP); dated October 31, 2008¹ (as maintained).

2. Potential resource issues raised in the MLP proposal:

Similar issues were brought up in each external MLP proposal. The main resource issues raised were citizen proposed wilderness, wildlife, and resources in areas previously considered for designation as Areas of Critical Environmental Concern. Specific details can be found in attachments 1 and 2.

3. How does the current Plan address these issues?

By and large, the issues identified in the external proposals are addressed in the 2008 Vernal RMP. A full discussion of those issues can be found in Attachments 1 and 2.

If MLP analysis is warranted, describe how and when MLP analysis will likely occur:

RMP revision was completed in 2008. The area would be undertaken as a "stand-alone" MLP effort and will be prioritized after the Director approves Utah's MLP proposals.

Describe the process used for review:

For each of the proposals (external and internal), interdisciplinary teams looked at a range of GIS layers to determine if the proposal area fit the four criteria listed to require a MLP. The following GIS layers were reviewed as part of the interdisciplinary review process: existing leases, wells (active and plugged-and-abandoned), land ownership, deferred parcels, unissued leases with pending protests, leases which are under suspension due to court decisions, and expressions of interest (EOI) - all overlaid with resource data. The resource data included WSA's, citizen proposed wilderness areas (Red Rocks), ACECs, Wild and Scenic Rivers, BLM natural areas, and especially sensitive wildlife habitat data like sage grouse and white tailed prairie dog. The mineral potential used for the Vernal RMP was also considered during the review process.

Describe how and why each of the following criteria are met or not met:

The criteria were applied to each of the areas within the Vernal MLP proposal separately and then combined at management direction.

1. A substantial portion of the area to be analyzed in the MLP is not currently leased.

EXTERNAL Combined Proposal ~ 35% of the BLM land is unleased.

INTERNAL Combined Proposal ~ 35% of the BLM land is unleased.

2. There is a majority Federal mineral interest.

EXTERNAL Combined Proposal ~ 77% Federal

INTERNAL Combined Proposal ~ 79% Federal

¹ Accessed online at: http://www.blm.gov/ut/st/en/fo/vernal/planning/rmp/rod_approved_rmp.html

3. The oil and gas industry has expressed a specific interest in leasing, and there is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area.

The Proposed Vernal MLP area contains a combination of deferred parcels, pending, and suspended parcels. Map Vernal A and Vernal B illustrates the deferred, pending, suspended along with the oil and gas wells in the Vernal MLP proposal area.

4. Additional analysis or information is needed to address likely resource or cumulative impacts if oil and gas development were to occur.

The area contains several leases that were suspended following litigation and as addressed in the attachments, other resource issues were identified. The Utah BLM is working with stakeholders and EPA to develop an air resource management strategy which will address the emerging air quality issues in the Uinta Basin. That effort will continue independent of MLP efforts but would be incorporated into the Vernal MLP. The northern portion of the proposed MLP is adjacent to Dinosaur National Monument. Past coordination with the Monument has been excellent and will continue. The proposed MLP shares a common boundary with Colorado and Utah BLM will coordinate with Colorado to ensure consistency across the state line.

Dec. 2017 Lease Sale Parcels

Viewshed

Areas visible from specified points in Dinosaur National Monument

SLOPE

0-21 Degrees

21-40 Degrees

40+ Degrees

